

Effective 5/13/2014

31A-23b-202 Qualifications for a license.

- (1)
 - (a) The commissioner shall issue or renew a license to a person to act as a navigator if the person:
 - (i) satisfies the:
 - (A) application requirements under Section 31A-23b-203;
 - (B) character requirements under Section 31A-23b-204;
 - (C) examination and training requirements under Section 31A-23b-205; and
 - (D) continuing education requirements under Section 31A-23b-206;
 - (ii) certifies that, to the extent applicable, the applicant:
 - (A) is in compliance with the surety bond requirements of Section 31A-23b-207; and
 - (B) will maintain compliance with Section 31A-23b-207 during the period for which the license is issued or renewed; and
 - (iii) has not committed an act that is a ground for denial, suspension, or revocation as provided in Section 31A-23b-401.
 - (b) A license issued under this chapter is valid for one year.
- (2)
 - (a) A person shall report to the commissioner:
 - (i) an administrative action taken against the person, including a denial of a new or renewal license application:
 - (A) in another jurisdiction; or
 - (B) by another regulatory agency in this state; and
 - (ii) a criminal prosecution taken against the person in any jurisdiction.
 - (b) The report required by Subsection (2)(a) shall be filed:
 - (i) at the time the person files the application for an individual or agency license; and
 - (ii) for an action or prosecution that occurs on or after the day on which the person files the application:
 - (A) for an administrative action, within 30 days of the final disposition of the administrative action; or
 - (B) for a criminal prosecution, within 30 days of the initial appearance before a court.
 - (c) The report required by Subsection (2)(a) shall include a copy of the complaint or other relevant legal documents related to the action or prosecution described in Subsection (2)(a).
- (3)
 - (a) The department may:
 - (i) require a person applying for a license to submit to a criminal background check as a condition of receiving a license; or
 - (ii) accept a background check conducted by another organization.
 - (b) A person, if required to submit to a criminal background check under Subsection (3)(a), shall:
 - (i) submit a fingerprint card in a form acceptable to the department; and
 - (ii) consent to a fingerprint background check by:
 - (A) the Utah Bureau of Criminal Identification; and
 - (B) the Federal Bureau of Investigation.
 - (c) For a person who submits a fingerprint card and consents to a fingerprint background check under Subsection (3)(b), the department may request:
 - (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

- (ii) complete Federal Bureau of Investigation criminal background checks through the national criminal history system.
- (d) Information obtained by the department from the review of criminal history records received under this Subsection (3) shall be used by the department for the purposes of:
 - (i) determining if a person satisfies the character requirements under Section 31A-23b-204 for issuance or renewal of a license;
 - (ii) determining if a person failed to maintain the character requirements under Section 31A-23b-204; and
 - (iii) preventing a person who violates the federal Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of a navigator or in-person assistor in the state.
- (e) If the department requests the criminal background information, the department shall:
 - (i) pay to the Department of Public Safety the costs incurred by the Department of Public Safety in providing the department criminal background information under Subsection (3)(c)(i);
 - (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau of Investigation in providing the department criminal background information under Subsection (3)(c)(ii); and
 - (iii) charge the person applying for a license a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).
- (4) The commissioner may deny an application for a license under this chapter if the person applying for the license:
 - (a) fails to satisfy the requirements of this section; or
 - (b) commits an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23b-401.

Amended by Chapter 290, 2014 General Session

Amended by Chapter 300, 2014 General Session